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OFFICE OF PETITIONS

In re Application of :
Liang :
Application No. 09/069,088 :
Patent No. 6,954,922 B2 : **DECISION GRANTING PETITION**
Filed: Filed \$/29/1988 CPA filed 11/13/01 :
Attorney Docket No.06502.0129 :

This decision is in response to Applicant's "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED ON PATENT ISSUED UNDER 37 CFR 1.705(d)" timely¹ filed on October 11, 2005 requesting that the Patent Term Adjustment be adjusted from two hundred and forty-seven (247) days to the amount of three hundred and one (301) days. This petition is being considered pursuant to 37 CFR 1.705(d).

Applicant's petition is **GRANTED**. The Office will *sua sponte* issue a certificate of correction reflecting an adjustment of 301 days rather than the 247 day amount printed on the front of the patent. The Office will also adjust the PTA calculation reflected in PAIR to reflect this decision.

Applicant argues that the Office erred in asserting an applicant delay of fifty-four (54) days for the submission of drawings after the mail date of the notice of allowance. Applicants assert that the drawings submission occurred on August 25, 2003 not August 19, 2005.

Applicant's arguments are persuasive. A review of the file reflects that drawings were filed on August 25, 2003. The application does not reflect the submission of any drawings after the mail date of the notice of allowance. Accordingly, the Office erred by entering into PALM a drawing submission after the mail date of the notice of allowance. Accordingly, the fifty-four (54) day reduction is in error because applicant did not fail to engage in any reasonable efforts to conclude prosecution of the application pursuant to 37 CFR 1.704(c)(10). Accordingly, the proper amount of PTA at the time of the issuance of the patent is three hundred and one days (301) as asserted by applicant.

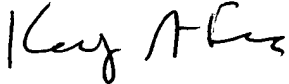
After review of this decision, this application will be forwarded to the certificate of correction branch for a prompt issuance of a certificate of correction.

¹Patent Issued on October 11, 2005.

Application No. 09/069,088

The Office acknowledges the receipt of \$200.00 for the application for patent term adjustment (petition). No additional fees are required by the Office.

Any questions concerning the issuance of this patent should be directed to Kery A. Fries, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757

A handwritten signature in black ink, appearing to read "Kery A. Fries".

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted Pair Calculation
Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,954,922 B2
DATED : September 21, 2005
INVENTOR(S) : Liang.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (247) days

Delete the phrase "by 247 days" and insert – by 301 days--